IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32273 of 2006(P)

OS.1975/2003 of PRL.M.C.,TRIVANDRUM

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PETITIONER:

M. JAYAKUMARAN NAIR,
SECRETARY, KARIKKAKOM SREE CHAMUNDI KSHETRAM TRUST
KARIKKAKOM,KADAKAMPALLY VILLAGE,THIRUVANANTHAPURAM

BY ADV. SRI.V.SURESH
SRI.G.SUDHEER

RESPONDENTS:

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1. K. KRISHNAN NAIR,
NEAR KARUMOM U.P.S., NEMOM VILLAGE,
THIRUVANANTHAPURAM.

2. G. BHASKARAN NAIR,
TC.22/2250, PULLI LANE, PETTAH VILLAGE,
THIRUVANANTHAPURAM.

3. JAYANATHAN NAIR,
MADATHUVEETIL, KARIKKAKOM MURI, BEACH P.O.,
THIRUVANANTHAPURAM.

4. JANARDANAN NAIR,
TC.32/2244, LEKSHMI NIVAS, PULLI LANE,
PETTAH, THIRUVANANTHAPURAM.

5. PARVATHY AMMA LEKSHMI AMMA,
LEKSHMY NIVAS, PULLI LANE, -DO- -DO-.

6. LEKSHMY AMMA RAJAMMA, -DO- -DO-.

7. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

8. REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 32273 OF 2006

Dated 7th December 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India to quash Ext.P2 order passed by Revenue Divisional Officer, Thiruvananthapuram dismissing application filed by petitioner to change the entries in the revenue records. Under Ext.P2 order Revenue Divisional Officer found that documents were produced both by petitioner and respondent and there are discrepancies in the documents and the dispute cannot be resolved by Revenue Divisional Officer. Therefore, it was directed by Revenue Divisional Officer that parties have to approach civil court for appropriate relief. Contention of petitioners is that Ext.P3 suit is already pending and therefore there is no necessity to file another suit and therefore Ext.P2 order is to be quashed.

2. Ext.P3 suit was filed by defendants against plaintiffs. Decree sought for in the suit was declaration of their title and possession over plaint

C schedule properties. If the decision in Ext.P3 covers the dispute involved in Ext.P2 order, there is no necessity to file a separate suit. Otherwise parties have to file separate suit.

Writ petition is disposed of accordingly

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.